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## **City of Reading City Council**

### **Regular Meeting Monday, March 10, 2008**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Dr. Delishia Boykin-Wilson of the Bethel AME Church.

All present pledged to the flag.

#### **ATTENDANCE**

Council President Spencer  
Councilor S. Fuhs, District 1  
Councilor M. Goodman-Hinnershitz, District 2  
Councilor D. Sterner, District 3  
Councilor S. Marmarou, District 4  
Councilor M. Baez, District 5  
Council J. Waltman, District 6

Mayor T. McMahon  
City Solicitor C. Younger  
City Auditor D. Cituk  
City Clerk L Kelleher  
Public Works Director C. Jones  
Human Relations Administrator K. Talbot  
Sgt. at Arms Capt. R. Shafer

#### **PROCLAMATIONS AND PRESENTATIONS**

A Mayoral proclamation was issued to The American Red Cross in honor of American Red Cross month accepted by Adrienne Grieve, Executive Director.

#### **PUBLIC COMMENT**

Council President Spencer announced that four citizens were registered to address Council on agenda matters and six on non-agenda matters. He inquired if Council wished to suspend the public speaking rules to allow all citizens to address Council now. As no one objected, that portion of the public comment rules was suspended. Council President Spencer reminded the ten citizens of the remaining public comment rules.

**Mary Jane Smith**, of Perkiomen Ave., representing the Penn's Commons Neighborhood Group, asked Council to consider the City Park Master Plan and the funding of the plan separately. She explained that Council's approval of the plan will allow the Penn's Commons Group to begin fundraising activities and will allow community members and other organizations to undertake some of the project denoted in the plan. She stated that the City Park Master Plan provides a phased approach based on available funding. She noted the immediate need for pond improvements.

**Bill Vitale**, of Hill Road, noted the importance of City Park for all City and County residents. He expressed the belief that the City Park Master Plan will safeguard all elements of the City's 49 acre park. He noted that the improvement plan provides guidance for the future of the park noting that the expense to create the plan was covered by the Penn's Commons Neighborhood Group.

**Lou Masciotti**, of Perkiomen Ave., noted the importance of the park and its prime location in the center of Reading.

**Mike Lauter**, representing the Planning Commission, stated that the City's Planning Commission has reviewed and endorsed the City Park Master Plan. He noted that the adoption of the plan will safeguard the park from undesirable changes. He noted the willingness of the Penn's Commons Group to partner with the City and to fundraise to accomplish park improvements.

**Dorothy Reilly**, of Exeter, expressed the belief that the water utility should remain the responsibility of elected officials who can be held accountable. She noted the high cost of water service managed by Pennsylvania American Water compared to the City's municipal water utility.

**Ron Stouffer**, of Mt. Penn, also spoke in opposition to privatization of the City's water utility. He provided a copy of a resolution adopted unanimously by the Democratic Committee of Berks County opposing privatization of public enterprises and resources including water and

treatment systems. He expressed the belief that water service provided by private companies does not measure up to the service provided by the City. He urged Council to avoid leasing or selling this municipal service to any private company. Mr. Stouffer also provided information on healthcare reform.

**Rosie Skomitz**, of Mt. Penn, expressed the belief that the privatization of water service will have a negative impact on residents and others serviced by the City's water utility. She also expressed the belief that healthcare reform could save the City up to \$7 million per year. She expressed her belief in the plan proposed by Senator Mike O'Pake.

**Wayne Bealer**, of N. 5<sup>th</sup> St, expressed the belief that the budget crunch of 2008 is merely a repeat of budget concerns voiced in prior years. He quoted from an article appearing in March 2007 in the Reading Eagle. He expressed the belief that all City officials were well informed of the City's financial picture.

**Cecelia Zuber**, of Douglass St, supported the adoption of the City Park Master Plan. She noted her experience with the real estate market, Conrad Weiser School Board, and other applicable areas. She noted the need to have a project manager in place to oversee the improvements planned for the waste water treatment plant. She expressed the belief that the Administration has pushed Council into prior Black and Veatch contract approvals without considering requests for more information.

**Stefan Kosikowski**, of S. 17<sup>th</sup> St, expressed his belief in poverty and health insurance reform. He urged all political leaders to address the poverty issue.

### **APPROVAL OF AGENDA**

Council President Spencer called Council's attention to the agenda for this meeting including the legislation listed under the consent agenda heading and the minutes from the February 25, 2008 regular meeting of Council.

**Councilor Sterner moved, seconded by Councilor Baez, to approve the agenda for this meeting including the legislation listed under the consent agenda heading and the minutes from the February 25, 2008 regular meeting of Council. The motion was approved unanimously.**

### **CONSENT AGENDA**

**Resolution** – authorizing the exoneration of outstanding City property taxes, penalties and interest for the year 2007 for 1218, 1220 & 1226 Elm Street, 214, 218A, 220, 220A, 222, 222A, 224, 226, 228, 230, 235 Locust Street and 1060 Benner’s Court, Reading, Pennsylvania owned by the Reading School District **(Solicitor & Council Staff)**.

**Resolution-** authorizing the Mayor to sign a Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnerships Program agreement to receive funding, in the amount of \$25,000.00, for the Hillside Playground Renovation Project. **(Grants Coordinator/Managing Director)**

**Resolution-** requesting a traffic study to support the installation of a stop sign on N. Front Street at the Amity or Pike intersections and on Walnut Street at the N. Front Street Intersection **(Councilors Baez and Waltman)**

## **ADMINISTRATIVE REPORT**

Mayor McMahon highlighted the report distributed to Council at the meeting covering the following:

- Camera System
  - First phase 22 cameras and City Hall monitoring system – running by summer 2008
  - At completion a total of 75 cameras throughout the City along with movable wireless cameras at strategic points
- Cops and Kids Program supporting children’s literacy – a volunteer effort supported and encouraged by Chief Heim and Chief Talbot and brought to Reading through the initiative of Council President Spencer
- Slight decrease in copper theft due to the ordinance regulating scrap metal dealers
- Implementation of the Canine Program
- Pagoda 100<sup>th</sup> anniversary celebration kick-off on April 12<sup>th</sup>
- Reading’s Great American Clean up scheduled for Saturday, April 19

Councilor Sterner noted the unsavory articles about the Giannessa Development Group. Mayor McMahon explained that he has been in discussion with Giannessa about these claims.

Councilor Goodman-Hinnershitz expressed thanks to Chief Heim and the Reading Police Department for increased police presence in the 12<sup>th</sup> and Muhlenberg area.

Councilor Fuhs questioned the amount the City will contribute to the security camera project. Mayor McMahon replied that the City's contribution will total \$400,000.

Councilor Fuhs questioned the status of this project without State or Federal dollars. Mayor McMahon replied that the Administration is awaiting confirmation on the amount allocated by the State and Federal governments.

Councilor Fuhs inquired if, in light of the City's current financial difficulties, the City should be moving forward with this project.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report provided to Council at the meeting covering the following:

- The beginning of field work for the 2007 external audit
- Attending a community meeting at St. Mary's Roman Catholic Church
- A report on real estate tax assessments, exemptions, and billings from 1994 through 2007
- A report on 2007 property ownership changes
  - 60.17% of properties transferred were from Reading resident to Reading resident
  - 23.52% of properties transferred were from outside of Reading
  - 16.31% of properties transferred were from outside Pennsylvania

Councilor Sterner noted the huge impact the continued increase in exempt properties has on City finances. City Auditor Cituk noted that the number of government and school properties total ½ of all exempt properties within the City.

Mayor McMahon described the State legislators efforts to urge Governor Rendell to assist Pennsylvania's third class cities who have over 17% exempt properties. He stated this program would bring approximately \$4 million to the City.

Councilor Waltman noted the need to get a better handle on the approval of exempt properties together with the School District and the County. He requested that the Auditor provide a break out of exempt and abated properties by category.

Councilor Goodman-Hinnershitz agreed with the need for Council to take a closer look at the approval of exempt properties.

Council President Spencer noted the decrease of government properties such as fire companies and public buildings but the huge increase in the number of churches in less than traditional locations. He noted a prior discussion regarding a church receiving exempt status from the County prior to receiving zoning approval.

## **DIRECTORS, BOARDS, AUTHORITIES, COMMISSIONS** **REPORT**

Hazel Black, Commissioner, and Kim Talbot, Administrator, for the City's Human Relations Commission noted that the Commission began operating in 1968 to address civil rights issues. They described the long and successful history of the Commission. Ms. Black noted that the addition of Ms. Talbot and other experienced staff have uplifted the mission of the Commission. Ms. Talbot highlighted the report distributed to Council at the meeting covering the activities of staff and the current case loads managed by the Reading Human Relations Commission such as

- 83 equal employment opportunity cases
- 43 housing cases
- numerous outreach and educational opportunities

Councilor Sterner and Goodman-Hinnershitz congratulated Ms. Talbot for their important work to protect and educate the community.

Council President Spencer thanked the Human Relations Commission and Ms. Talbot for presenting their annual report to Council and for their work to assist Reading residents.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 13-2008** - Increasing the salary of the Finance Director to \$71,872.42 per annum retroactive to January 1, 2008. ***(Managing Director) Introduced at the 01/28/08 Regular Meeting of Council; discussed at the 02/11/08 Committee of the Whole; tabled at the 02/11/08 Regular Meeting; further tabled at the 02/25/08 Regular Meeting.***

Mayor McMahon stated that this ordinance is being withdrawn from the agenda.

**Bill No. 18-2008** - authorizing the Mayor to execute documents to effectuate the transfer of ownership of premises known as 1019-1021 Penn Street, 1016, 1022 and 1028 Court Street from St. Joseph Hospital to the City of Reading (**Solicitor**) *Introduced at the 02/11/08 Regular Meeting of Council; discussed at the 02/25/08 Committee of the Whole; tabled at the 02/25/08 Regular Meeting.*

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 19-2008.**

Council President Spencer stated that at his request Council staff researched the prior ownership of these properties. He stressed the need for the City to obtain control of these properties.

Mayor McMahon stated that if Council approves this purchase these properties will be used for the second phase of condominiums in the 1000 block of Penn St.

Councilor Goodman-Hinnershitz congratulated the Administration for putting these properties back on the City's tax rolls.

**Bill 18-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

Mayor McMahon explained the cost to purchase these properties will be covered by the Capital Improvement Program and the Redevelopment Authority.

**Bill No. 26-2008** - an Ordinance amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**)

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 26-2008.

**Bill 26-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

Council President Spencer referred this Bill for Finance Committee review.

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record:

**Ordinance-** amending the Codified Ordinances of the City of Reading, Chapter 1, Part 5, Section “N” – Citizens Environmental Advisory Board, by changing the name of the Environmental Advisory Board to Environmental Advisory Council. **(Environmental Advisory Board/Council Staff)**

**Ordinance-** amending the Zoning Ordinance and Zoning Map by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975. **(Councilor Fuhs)**

**Ordinance** - authorizing a reallocation in the amount of \$5,000.00 from the City Council Salary line item to the City Council Community Promotions line item and authorizing that sum to be transferred to Baseballtown Charities **(Councilor Marmarou & Council Staff)**

**Ordinance** - Amending Chapter 21 - Streets and Sidewalks – in the City’s Codified Ordinances to provide enforcement powers to Engineering Office of Public Works. **(Public Works Dept & Solicitor)**

## **RESOLUTIONS**

**Resolution 28-2008** - endorsing the City Park Master Plan **(Council Staff/Mayor’s Office)** *Endorsed by the City of Reading Planning Commission at the 12/13/07 meeting; tabled pending further review at the 02/25/08 Regular Meeting of Council.*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to adopt Resolution 28-2008.**

Councilor Goodman-Hinnershitz expressed her belief in the plan. She congratulated the Penn’s Commons Neighborhood Group for working to



develop a plan that will ensure the future preservation of the park. She noted that in addition to fundraising efforts of the Penn's Commons Group the City will need to consider undertaking some projects as they relate to public safety. She noted that City Park is a living room to residents of Reading and Berks County.

Councilor Sterner applauded the Penn's Commons Group for working to prepare this plan.

Councilor Marmarou congratulated the Penn's Commons Group for this tremendous undertaking. He noted his belief in the phased approach used in the plan.

Councilor Marmarou questioned the location of the old plaques dedicating the park that have been removed. He noted the need for the City to actively protect the park's assets.

Councilor Waltman thanked the Penn's Commons Neighborhood Group for working on the master plan. He expressed the belief that few cities have a 49 acre park in their downtown.

Councilor Fuhs announced that he will support the plan but expressed the belief that the City will be hard pressed to offer much financial support for the projects contained in the plan.

**Resolution 28-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 36-2008** - authorizing the administration to negotiate and execute a professional services agreement with Black & Veatch Corporation, of Philadelphia, for design and related services for the Wastewater Treatment Plant Upgrades Project for a maximum not to exceed price of \$12,954,355 and authorizing the issuance of an Advanced Notice to Proceed to allow certain critical, time sensitive design activities to begin before a contract is executed. **(Public Works Director)**

**Councilor Fuhs moved, seconded by Councilor Baez, to table Resolution 36-2008.**

**Resolution 36-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Waltman, Spencer President – 5.**

**Nay: Goodman-Hinnershitz, Sterner – 2.**

**Resolution 37-2008** – appointing Joseph Kuzminski to the Reading Area Water Authority (**Administrative Oversight Committee**) *Discussed at the 2-4-08 Committee Meeting and the 2-25-08 Committee of the Whole Meeting*

**The Administrative Oversight Committee moved to adopt Resolution 37-2008.**

Councilor Marmarou noted Mr. Kuzminski's service as a City employee, City Councilor, and Mayor. He expressed the belief that Mr. Kuzminski's experience in all these areas will be helpful to the mission of the Water Authority. He noted that Mr. Kuzminski has expressed his objection to the privatization of this utility.

Councilor Waltman noted his belief in bringing a new creative approach to the management of this water utility. He noted the need for the Water Authority to capitalize on this creativity.

Councilor Goodman-Hinnershitz expressed her belief in the need for the City and Water Authority to be in sync to provide improved water service to the community.

**Resolution 37-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 38-2008** – appointing Jonathan Del Collo to the Board of Ethics (**Administrative Oversight Committee**) *Discussed at the 2-4-08 Committee Meeting and the 2-25-08 Committee of the Whole Meeting*

**The Administrative Oversight Committee moved to adopt Resolution 38-2008.**

Councilor Marmarou noted Mr. Del Collo's experience as Mayor Angstadt's assistant for four years and his eight years of experience in County government.

Councilor Goodman-Hinnershitz noted the need for the members of the Board of Ethics to be neutral and objective.

**Resolution 38-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 39-2008** – expressing support for Senate Bill 777, which would allow local municipalities to choose how to collect their delinquent real estate taxes and enable them to utilize the Municipal Claims and Tax Liens Act, 53 P.S. §7101 et. seq., to pursue such tax claims **(Solicitor)**

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 39-2008.**

**Resolution 39-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

Councilor Fuhs requested a copy of the Senate Bill and noted the need for further discussion prior to further consideration.

**Resolution 40-2008** – authorized the execution of the necessary documents for an energy savings project including, but not limited to, a certain contractual agreement between Honeywell International Inc. and the City of Reading **(Public Works Dept & City Solicitor)**.

**Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 40-2008.**

Council President Spencer provided background including prior discussion at work sessions and City Council meetings. Public Works Director Jones and Mr. Salmone of Honeywell International explained the energy savings project looks at various energy savings through systems improvements. The savings in energy payments will enable the repayment of the financing of the project.

Councilor Goodman-Hinnershitz noted the previous presentation at the Environmental Advisory Board.

Councilor Sterner stated that Council has received presentations and information on this project. He thanked Mr. Jones and Mr. Salmone for their work.

**Resolution 40-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 41-2008** – to adopt the City of Reading Emergency Operations Plan and requiring that this Plan be reviewed on an annual basis to make certain that it conforms to the requirements defined by the Berks County Emergency Operations Guidelines. **(Emergency Management Coordinator & Council Staff)**

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 41-2008.**

**Resolution 41-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

### **COUNCIL COMMENT**

Councilor Fuhs noted the opening of Cavanaugh's Downtown Reading Hofbrau (dRh) by Drew Stopper and Pat Paulowicz.

Councilor Fuhs thanked those who commented on the privatization of the water system.

Councilor Fuhs explained that the tabling of the Black and Veatch resolution is no reflection on the work of the Public Works Department or the Public Works Director. He expressed the belief that this process has been flawed since its outset. He noted a recent conversation with one of the three national companies who qualified to bid on this project but decided not to due to Black and Veatch's participation in the drafting of the RFP. He expressed his belief that the hiring of a project manager will help to control the cost of the project.

Councilor Waltman agreed with the need for a more open process on the design of the waste water treatment plant.

Councilor Waltman also noted the need for the City, County, and School District to address exempt property applications in a fresh manner.

Councilor Goodman-Hinnershitz noted Council's repeated requests for a timeline on the waste water treatment plant project mandated by the consent decree which will inform all about the project and the requirements contained in the consent decree. She noted the Administration's promise to supply the timeline one month ago.

Councilor Goodman-Hinnershitz suggested that the City partner with area fire companies to assist with the rehabilitation of the Volunteer Fireman's Bandshell.

Councilor Goodman-Hinnershitz noted the need for the City's officials to begin dialogue with State and Federal officials to seek financial assistance for the waste water treatment plant project.

Councilor Goodman-Hinnershitz announced the upcoming District 2 community group meetings.

Councilor Sterner congratulated the work of the Red Cross. He also thanked all who assisted in the drafting of the grant application to fund Hillside Playground improvements. He noted additional funding provided by Senator Mike O'Pake.

Councilor Sterner noted his belief for the need for a project manager to oversee the waste water treatment plant project. He expressed his belief that the initial cost of the design phase was \$12 million. He stated that there should be a more open RFP process. He noted the need for the City to hire a project manager before contracting with Black and Veatch for the design process.

Councilor Baez noted concerns expressed at a Jamestown Community Group meeting about potholes and poor lighting on the Schuylkill Ave bridge.

Councilor Baez announced that the next Dare 2 Care meeting is this Thursday at the Bethel AME Church.

Councilor Fuhs noted the repeated concerns expressed by Council President Spencer throughout the waste water treatment plant project

extending over the past 2-3 years. He noted that an error in the design of the plant could increase the project costs.

Council President Spencer recalled past conversations and discussions on the privatization of the water utility. He stated that he still objects to the privatization of this service. He stated that the Water Authority can be run more efficiently to make it more profitable.

Council President Spencer reminded all of his past concerns with using Black and Veatch services without the use of the bidding process. He noted that he also objected to the survey work that was done without the benefit of the bidding process. He noted that four companies were qualified to bid on the design phase; however, Black and Veatch was the only company to submit a bid. He stressed the need for a project manager to oversee the design.

Council President Spencer explained the delay in the endorsement of the City Park Master Plan. He stated that the delay gave Councilors more time to review the plan. He noted his concern with the relocation of the pond.

Mayor McMahon noted his experience with projects the size of the waste water treatment plant. He expressed his belief that the Council President is correct in questioning the process for the waste water treatment plant project. He agreed with the need to hire a project and construction manager. He promised to accelerate the RFP process to seek out a project and construction manager as this will eliminate the need to rebid the design phase. He noted the historic unwillingness of the EPA and DEP to provide any wiggle room with the timelines contained in the consent decree.

Councilor Waltman noted that the waste water treatment plant is a regional project not a local project. He added his belief that a project manager should have been brought on board at the beginning of the project not in the middle after the project has started.

Council President Spencer stated his belief that the City acted somewhat hastily when making several decisions concerning this project. He questioned if one of the three qualified firms did not bid in the design phase could be interviewed for a project manager.

Public Works Director Jones noted the need to draft an RFP for the project manager as many firms who were disqualified from the design process will be eligible for the position.

**Councilor Baez moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

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Linda Kelleher  
City Clerk